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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,417

10/25/2006

David Garfield Blanch

CULL-4593

1750

5409 7590 08/04/2009  
SCHMEISER, OLSEN & WATTS  
22 CENTURY HILL DRIVE  
SUITE 302  
LATHAM, NY 12110

EXAMINER

GALL, LLOYD A

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

08/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,417	<b>Applicant(s)</b> BLANCH, DAVID GARFIELD	
	<b>Examiner</b> Lloyd A. Gall	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) 24-27 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

Applicant's election without traverse of the species I, Figures 1-6 in the reply filed on May 4, 2009 is acknowledged.

Claims 24-27 and 32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 4, 2009.

The disclosure is objected to because of the following informalities: The Abstract is objected to, as "means" should not be used in the penultimate line. On page 18, at least lines 14 and 18, reference numeral "18" refers to different structure. On page 8, line 32, "17" should read --19--. On page 11, line 27, "24" should read --23--. On page 11, line 30, should "recesses" read --recess--? Line 12 of page 12 should end with a period.

Appropriate correction is required.

The drawings are objected to because in Figs. 1 and 3, it is not clear in what sense reference 22 refers to an eccentric pin (page 9, line 20). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary,

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the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 9, 14 and 23 are objected to because of the following informalities: In claim 9, line 3, it is not clear in what sense the locking member may move in a rotating manner...and rotating manner". In claim 14, lines 1 and 2, consistency should be maintained between "ramped" and "inclined". In claim 23, lines 1-2, there is no antecedent basis for "the first drive member" (see claims 19 and 20 where the first drive member is claimed). Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art.

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It is first noted that all of the limitations of claim 33 are regarded as structurally unsupported functional limitations, of no patentable significance. Further, on page 1, lines 26-28, applicant teaches that a lock including three modes is known.

Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Yulkowski (607).

It is first noted that all of the limitations of claim 33 are regarded as structurally unsupported functional limitations, of no patentable significance. Further, in column 7, lines 50, 52 and 55, Yulkowski teaches that a lock including a deadlock mode (line 55), a privacy mode (line 52) and a passage mode (line 50) is well known.

Claims 1-12, 14, 15, 19 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Fortune et al (568).

Fortune et al teaches a lock in figs. 13-19 operable in a deadlock mode (column 5, line 14) using at least one key lock cylinder 14', inner handle 16", outer handle 16a, inner hub 115a, outer hub 132, a recess in the outer hub 132, and a recess 160' in the inner hub, which recess 160' in fig. 19 includes inclined sidewalls for removing the locking member 142 from the recess 160', the locking member 142, 146 capable of engaging both of the recesses and operable by an external member 150' on the inner side of the door defining an external snib, whereby the lock is also operable in a privacy mode wherein the lock is operable by the inner handle but not the outer handle, and a passage mode when the locking member disengages from each recess, wherein the lock is operable by both handles, a lock body defined by the outer casing in fig. 18, and

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a rotatable interconnecting member 128, 130. The locking member includes a slidable plate 142 and a nose 146.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune et al (568) in view of Collar (993).

Collar teaches a locking member 47 controlled by a rotatable member 65an eccentric pin 67 or 55 to define a crank mechanism. It would have been obvious to modify the snib 150 of Fortune et al to include a rotatable crank mechanism, in view of the teaching of Collar, to provide expected results.

Claims 16-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune et al (568) in view of O'Connell (330).

As seen in fig. 8, O'Connell teaches two key cylinders 102, 106to control locking member(s) 83,84 by a cam 54 of the lock cylinders. It would have been obvious to utilize two lock cylinders with the lock of Fortune et al, in view of the teaching of O'Connell, to provide expected results.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune et al (568) in view of Chesler (934).

Chesler teaches a lock cylinder 14 functioning with a cam 66 and a first drive member 71, 76 to actuate a locking member 81. It would have been obvious to utilize a cam and

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drive member with a key lock in the lock of Fortune et al, in view of the teaching of Chesler, to provide expected results.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortune et al in view of O'Connell as applied to claim 21 above, and further in view of Chesler.

Chesler teaches a lock cylinder 14 functioning with a cam 66 and a first drive member 71, 76 to actuate a locking member 81. It would have been obvious to utilize a cam and drive member with the key locks of Fortune et al as modified by O'Connell, in view of the teaching of Chesler, to provide expected results.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lloyd A. Gall/  
Primary Examiner, Art Unit 3673

/L. A. G./  
Primary Examiner, Art Unit 3673  
August 3, 2009